

2016 – AMENDED MARCH 1, 2016  
ADOPTED RULES OF ORDER  
ERIE COUNTY CHARTER REVISION COMMISSION

SECTION 1.00: ORGANIZATION

1.01 CHAIRPERSON

The Chair shall possess the following powers and perform the following duties:

1. To preside over all meetings of the full Commission; call the Commission to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2. To preserve order and decorum;
3. To decide all questions of order, subject to appeal of the Commission as hereinafter provided;
4. To recess meetings;
5. To order the Commission to go into the Committee of the Whole, and to name a Chairperson to preside over such committee;
6. To order that a public hearing be held;
7. To be an ex officio voting member on all committees and to receive notice of all meetings thereof;
8. To establish independent committees to report to the Commission, and appoint or remove the members thereof;
9. Such other powers as may be set forth in more detail in these Rules; and
10. To nominate a Vice Chair and a Secretary of the Commission, subject to approval by a majority of the Commission.

1.02 VICE CHAIR:

In the absence of the Chair from any meeting of the Commission, the designated Vice Chair shall become acting Chair with all the powers and duties of Chair for so long as the Chair is absent. The Vice Chair is an ex officio voting member on all committees.

1.03 SECRETARY:

In the absence of the Chair and Vice Chair from any meeting of the Commission, the designated Secretary shall become acting Chair with all the powers and duties of the Chair for so long as the both the Chair and Vice Chair are absent. The Secretary will keep the minutes of the Commission and will distribute them, personally or by email, to the other members of the Commission within a reasonable period of time after each meeting of the Commission.

## SECTION 2.00: MEETINGS

### 2.01 REGULAR SESSION:

Regular sessions of the Commission shall be held at least once in January, February, and at least twice in March, April, and May. The date and time of such regular sessions shall be determined by the Chair, who shall notify members of the Commission concerning the same no later than February 7, 2016. Session may be held at any location in Erie County, provided that the Chair will provide members at least one-week notice of the location of a session.

All regular sessions shall be open for consideration of any matter, which, in accordance with these rules, may be properly brought to the attention of the Commission.

### 2.02 SPECIAL MEETINGS:

Special meetings shall be held at the call of the Secretary of the Commission upon direction of the Chair. Notice in writing, stating the time, place and purpose of the special meeting shall be served personally, by email, or by mail upon each member by the Secretary of the Commission at least forty-eight (48) hours before the date and time fixed for holding the meeting, or a member may waive the service of the notice for such meeting in writing. Only business specified in the notice thereof may be transacted at a special meeting.

Service by email of the Notice of Special Meeting, pursuant to this section, is authorized and constitutes service upon each member at an email address provided to the Secretary by the member of the Commission for that purpose. Email of the Notice of Special Meeting may be transmitted at any time of the day or night, Monday through Friday, to the appropriate email address and will be deemed served upon receipt of the email transmission, except that Notices of Special Meeting sent on a Friday shall be deemed duly served if email transmissions for all members of the Commission were completed by 5 p.m. on that Friday. Nothing in this rule shall prohibit personal service of a Notice of Special Meeting on Friday after 5 p.m., or on a Saturday or a Sunday.

### 2.03 QUORUM:

A majority of the duly constituted membership of the Commission shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

### 2.04 CHAIR TO SECURE A QUORUM:

In the absence of a quorum during a session of the Commission, the Chair may take such measures as provided by law and as the Chair may deem necessary to secure the presence of a quorum.

## 2.05 ROLL CALL, MINUTES, ABSENCES:

At any and every meeting of the Commission, upon the members being called to order by the Chair, the roll of members shall be called by the Secretary, and the names of those absent shall be inserted in the Minutes. The Secretary should note the absence of any members because of other business, established illness, death and/or bereavement in the family or of a close associate and such absence shall be carried in the Minutes as an excused absence. The Minutes of the preceding meeting, when available, shall then be presented for approval to the end that any corrections, alterations, or additions may be made. In all cases when an order, resolution or a motion shall be entered in the Minutes of the Commission, the name of the member presenting or moving the same and seconding shall be entered.

## 2.06 ORDER OF BUSINESS:

The Order of Business of each session shall be:

1. Calling the roll of members by the Secretary;
2. Consideration of the Minutes of the proceedings of the preceding meeting(s);
3. Presentation of petitions from the public;
4. Communications from Elected County Officials, County Departments, and the people and other agencies;
5. Referral of recommendations to Standing or Special Committees;
6. Reports of Standing Committees;
7. Reports of Special Committees;
8. The Calendar;
9. Unfinished Business from prior meetings;
10. General discussion;
11. Announcements from the Chair;
12. Announcement of Committee Meetings;
13. Adjournment.

The Chair in his or her discretion may change the Order of Business at any session.

## 2.07 THE CALENDAR:

Matters upon the Calendar shall be arranged and acted upon in the following order:

- (1) Recommendations reported from the Committee of the Whole.
- (2) Recommendations reported from Standing Committees.
- (3) Recommendations reported from Special Committees.
- (4) Other resolutions or motions introduced by any member for consideration.

The Chair in his or her discretion may change the Order of the Calendar at any session. The Chair may order any recommendation, resolution, motion or any other matter on the Calendar laid aside for the day. Any item laid aside shall retain its place on the Calendar.

## 2.08 INTRODUCTION OF RECOMMENDATIONS.

A Recommendation for a change to the Charter may be introduced by a Member of the Commission or on the report of a committee. Every recommendation introduced shall be accompanied by the introducer's memorandum. Such memorandum shall contain a concise statement of the purposes and intent of the resolution and, if the introducer deems it appropriate, may set forth such other statements that the introducer feels necessary. A Committee, where it deems necessary, may require that an introducer's memorandum be amended when it reports a recommendation to the Commission.

## 2.09 ORDER DURING SESSION:

The Chair shall take the chair at the hour specified for the convening of the Commission and shall preserve order and decorum. In debate, all remarks must be addressed to the Chair and confined to the question before the Commission. The Chair shall prevent personal reflections and confine members to the question under discussion. The Chair shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Commission and sustained.

## 2.10 APPEAL FROM THE CHAIRPERSON'S RULING:

On every appeal, the Chair shall have the right to assign his/her reasons for such decision. If the question on which the appeal is taken was not debatable, the Commission shall decide the case without debate. If debatable, no member shall speak more than once.

The Chair shall put the question: "Shall the Ruling of the Chair be overturned?"

A motion to overrule a decision or ruling of the Chair shall require approval by a majority vote of the Commission.

## 2.11 PRIVILEGE OF THE FLOOR:

No person shall be entitled to the privilege of the floor during the session of the Commission, unless unanimous consent be given therefore.

## 2.12 REFERRALS TO COMMITTEE:

The Chair, at his or her discretion, may refer to the proper committee or shall table any recommendation, petition, resolution, amendment or other matter when presented or introduced. The Chair's decision to refer any item to committee or to table an item is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein. Once the appeal from the Chair's ruling has been decided however, and if the same has been a determination in favor of the Chair's referral or other action, the recommendation, petition, resolution, amendment or other matter cannot be discharged from such committee for reconsideration or other action at the same legislative session without consent of the Chair.

#### 2.13 MEMBER NOT TO SPEAK OR LEAVE HIS OR HER PLACE:

While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chair shall allow opportunity for debate before the roll is called.

#### 2.14 TIE VOTE:

When the Commission shall be equally divided on any question, including the Chair's vote, the question shall be deemed to have been lost.

#### 2.15 PRIORITY OF BUSINESS:

All questions relative to priority of business shall be decided by the Chair without debate. The Chair's decision shall be final.

#### 2.16 LIMITATION ON TIME OF SPEECH:

No member shall speak more than five minutes on any question without permission by the Chair. Debate on any question will be limited to thirty minutes.

#### 2.17 MAJORITY VOTE:

A majority of the total vote of the entire membership of the Commission shall be necessary to carry any recommendation, resolution, motion, amendment or any other matter, except where it is otherwise provided herein that a unanimous vote is required.

#### 2.18 RECORDING OF VOTE:

Any member shall have the right to have his or her vote recorded and entered upon the minutes upon request, without explanation, and without requiring the ayes and noes to be called.

#### 2.19 RECORDING AYES AND NOES:

On a roll call, the ayes and noes shall be taken on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of the Commission, and the Secretary shall record the names of the members and the way each shall have respectively voted. The roll is called of the members in alphabetical order, except that the Chair will be called last. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. To verify the vote and to correct possible errors; the Secretary shall repeat the call of the roll once, and only once. The only exception to this procedure is if the member abstains from voting in accordance with Section 2.20 herein. A member who so desires may explain his/her vote provided that such explanation shall not exceed one minute.

## 2.20 ABSTENTIONS:

Every member who shall be physically present when a question is stated by the Chair must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Section 5b of Erie County Local Law No. 10 – 1989, constituting the Erie County Code of Ethics. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chair shall direct the Secretary to record such member's vote in the affirmative on the question being voted upon.

## 2.21 SPEAK WHEN RECOGNIZED BY CHAIRPERSON:

No member wishing to speak shall proceed without standing and without having addressed the Chair from his or her place and until obtaining recognition by the Chair.

## 2.22 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:

These rules may at any time during the session be suspended by unanimous consent of all members of the Commission present; however, the member making the application for such suspension must state the purpose for which the same is asked.

These rules may be suspended by a majority vote of the Commission for the purpose of referring any item to committee provided that said item may not be discharged for action at the same meeting at which the suspension is granted. The unanimous consent of all members of the Commission present shall be required, however, to suspend the rules to permit action on an item at the same meeting at which such suspension is requested.

A member shall submit to the Chair of the Commission, a written copy of the item which he or she proposes to suspend the rules for referring said item to committee or for permitting action on said item at least three (3) hours prior to the session at which the request for such suspension is considered, and the member making said application for such suspension shall state the purpose for which the same is asked.

## 2.23 PRESENTATION OF MOTION:

When a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed subsidiary motions, shall have precedence in the order here stated, namely:

- (1) For an adjournment of the Commission;
- (2) A call of the Commission;
- (3) To move the previous question;
- (4) To lay on the table;
- (5) To postpone indefinitely;
- (6) To postpone to a certain day;
- (7) To go immediately into a Committee of the Whole on the pending subject;

- (8) To recess;
- (9) To commit to a Standing Committee;
- (10) To commit to a Special Committee; and
- (11) To amend.

## 2.24 WITHDRAWAL OF RESOLUTION OR MOTION:

Any recommendation, resolution, or motion offered by a member may be withdrawn by the member presenting it at any time before an announcement by the Chairperson of the vote thereon or before an amendment to such resolution or motion has been adopted.

## 2.25 MOTIONS NOT AMENDABLE OR DEBATABLE:

All motions for an adjournment, for a recess, to move the previous question, or to lay on the table shall be neither amended nor debated. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared. While the Chair is putting any question, or while the roll is being called, no debate, discussion, or explanation by a member of his/her vote shall be in order.

## 2.26 PREVIOUS QUESTIONS AND AMENDMENTS:

The "Previous Question" shall be as follows:

1. "I move the previous question" applies only to the specific pending question being debated whether it be an amendment or any other issue. If an amendment is being debated, the "previous question" is called, and a vote taken on the amendment, then the next amendment, if there is one, or the resolution should be debated.
2. If a motion is approved for the "previous question" and is qualified as being called to end debate on the resolution and all amendments, then no further debate can be permitted. Such a motion can be qualified in any manner, i.e., to end debate only on amendment, or on all pending questions.

## 2.27 MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE:

A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same day, or the session day next succeeding that on which the action proposed to be reconsidered unless the action cannot be reversed or upon which the same motion was previously considered.

A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced; after that a change of vote can be made only by permission of the Commission, which can be given by general consent, or by adoption of a motion to change one's vote.

When a motion to reconsider or a motion to change one's vote has been defeated, it shall not again be submitted to the Commission without unanimous consent.

#### 2.28 MOTION TO RESCIND:

A motion to rescind can only be entertained when moved by a member who voted with the majority in the action which it is proposed to rescind, and requires the affirmative vote of a majority of the total members of the Commission.

#### 2.29 COMMITTEE OF THE WHOLE:

The Commission may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it, and in such case, the Chairperson may preside or may name another member to preside.

#### 2.30 COMMITTEE OF THE WHOLE - NO QUORUM; ADJOURNMENT:

If at any time within a Committee of the Whole it be ascertained that there is no quorum, the Chair of the Commission or the Chair of the Committee of the Whole, if so named, shall immediately report the fact to the Chair of the Commission and the adjournment of the Committee of the Whole shall be in order.

#### 2.31 PRESENTATIONS TO BE IN WRITING:

All recommendations, petitions, resolutions, committee reports and amendments thereof, shall be in writing.

#### 2.32 TIME FOR PRESENTATION TO SECRETARY:

Except as provided in Section 2.02, all petitions, resolutions, offers, or communications of whatever nature shall be submitted to the Secretary of the Commission before 11:00 a.m., two business days prior to a regular meeting date, for presentation by the Secretary of the Commission at the next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

#### 2.33 SOLICITATIONS:

No solicitation of funds for any purpose shall be permitted during any session of the Commission.



## 2.34 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:

On all points of order not governed by the rules of this Commission, the Rules of the New York State Senate shall be followed.

## SECTION 3.00: COMMITTEES

### 3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:

The Rules of the Commission, except Section 2.11, shall apply to all committee meetings.

### 3.02 STANDING COMMITTEES:

There shall be the following standing committees, which shall consist of the indicated number of members plus ex officio members:

- (1) Executive and Departments- six members;
- (2) Legislature, Other Elected Officials, Boards and Commissions- six members; and
- (3) Budget, Operations and Miscellaneous- five members.

The members of each committee shall be appointed by the Chair of the Commission within seven (7) days, or as soon as possible, after his or her election or appointment and the list of the committees shall be filed with the Secretary of the Commission and printed in the minutes of the Commission. The Chair of the Commission will appoint a chair of each committee from amongst the members of such committee. Each Standing Committee will meet no less than three times prior to April 30, 2016. The chair of each standing committee will provide committee members at least two weeks notice of the date, time, and location of a committee meeting.

### 3.03 SPECIAL COMMITTEES

The Chair of the Commission in his or her discretion may appoint such Special Committees, the number of members of which shall be as the Chair may determine.

### 3.04 CHAIRPERSON MEMBER OF ALL COMMITTEES:

The Chair and Vice Chair shall be a member of all committees with a vote thereon. The presence of the Chair and Vice Chair at a meeting shall be counted in determining whether a quorum is present. Any vacancies occurring during the year on any Standing or Special Committee shall be filled by the Chair at his or her discretion.

### 3.05 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:

The Chair of every Standing and Special Committee shall record and certify on a form provided by the Secretary of the Commission the names of all members present and

absent from all regularly called committee meetings. Said certificate shall be filed with the Secretary and shall be the official record of committee attendance.

#### 3.06 CONDUCT OF COMMITTEES:

All committees appointed by the Chair shall act promptly on all matters referred to them. It shall be the duty of the members of said committees to familiarize themselves with county government and the work entrusted to each of such committees.

#### 3.07 REPORT ON ANY FINAL ACTION OF COMMITTEE:

Any final action taken by a majority of the members of the committee shall be included in the committee's report of its meeting and the committee's action shall be subject to approval of the Commission by a majority vote of its total membership.

#### 3.08 COMMITTEE AGENDA:

An agenda of all matters before a committee shall be prepared by the Secretary of the Commission.

#### 3.09 OPEN ITEMS IN COMMITTEE:

At the discretion of the Committee Chair, an item or items may be allowed to remain on the agenda indefinitely in that particular Committee to allow for consideration of that item and to serve as a vehicle for the committee to amend and send to the full Commission, within the committee report, for consideration.

#### 3.10 COMMITTEE REPORT MADE BY MAJORITY OF COMMITTEE:

No report shall be made by any committee on any subject referred to it except by a majority vote of the total membership of the committee unless the Commission otherwise directs. All reports of committees shall be in writing and presented to the full Commission for consideration at the next succeeding regular session of the Commission.

#### 3.11 COMMITTEE REPORT BY STANDING AND SPECIAL COMMITTEES:

All reports of Standing and Special Committees, all motions except subsidiary motions under Sections 2.08, 2.27, 2.28, 2.29 and 2.30 and all resolutions shall lie upon the table one day before action thereon or adoption by the Commission (unless immediate consideration is given by a majority vote of the Commission). This rule shall not apply to reports of Standing and Special Committees on the last regular session before May 15, 2016.

## SECTION 4.00: MANDATORY PUBLIC HEARINGS

### 4.01 MANDATORY PUBLIC HEARINGS BY STANDING COMMITTEES

Each Standing Committee shall conduct at least one public hearing. At such public hearings, any resident of the county in attendance shall be offered the opportunity to speak, and/or to submit a written statement concerning the Charter and/or proposed changes to the Charter. Any such statements by members of the public will be limited to the scope of the committee's responsibility. Oral testimony by members of the public will be limited to three minutes per resident, except the Committee Chair may allow additional time. These hearings shall be conducted in the City of Buffalo.

### 4.02 SATELLITE PUBLIC HEARINGS BY THE COMMISSION

The Chair will schedule no less than three additional public hearings. These public hearings shall be conducted outside of the City of Buffalo, and the Chair will select locations for these hearings in a manner that causes these hearings to embrace the entire territory of the County. At such public hearings, any resident of the county in attendance shall be offered the opportunity to speak, and/or to submit a written statement concerning the Charter and/or proposed changes to the Charter. Oral testimony by members of the public will be limited to three minutes per resident, except the Chair may allow additional time.

## SECTION 5.00: MISCELLANEOUS

### 5.01 PROHIBITION OF USE OF AUDIBLE, PORTABLE COMMUNICATION DEVICES:

During sessions and committee meetings of the Commission, the use of audible, portable communication devices, including, but not limited to cellular telephones and pagers, shall be prohibited, except for non-audible receipt activation. Such prohibition shall be in effect for members and staff of the Commission, as well as for invited witnesses, visitors, and members of the general public attending such sessions or meetings. Such prohibition shall not include the use of microphones, electronic recording devices, video recording equipment or portable computers used for the purposes of recording the proceedings of legislative sessions or committee meetings if done in a non- disruptive manner.

### 5.02 VISITORS TO THE ERIE COUNTY CHARTER REVISION COMMISSION:

All visitors and spectators to the Commission must be respectful and obey the rules of order promulgated by this Body.

### 5.03 FLOOR MOVEMENT:

In order to preserve the order, decorum and security of this Honorable Body, the floor of the Commission will be restricted during sessions and public hearings to Commission Members, Legislators, Legislature Staff, County-wide Elected Officials, Administration Representatives, Department Heads and others granted permission by the Chair of the Erie County Charter Revision Commission.

### 5.04 BANNERS, SIGNS AND PLACARDS:

Any display of banners, signs, or placards in the Commission Chamber or Committee Rooms that is disruptive to the deliberative process of the Commission and not previously authorized by the Secretary of the Commission is strictly prohibited.

### 5.05 AUDIO RECORDING:

Audio recording of the public proceedings of the Commission's sessions, committee meetings and public hearings shall be permitted under the following conditions:

1. a) any unobtrusive audio recorder may be used provided that such recording is restricted to the open and public areas of the Commission Chamber and Committee Rooms; and
2. b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Commission.

### 5.06 VIDEO RECORDING:

Video recording of the public proceedings of the Commission's sessions, committee meetings and public hearings shall be permitted under the following conditions:

1. a) any unobtrusive video recorder may be used provided that such recording is restricted to the open and public areas of the Commission Chamber and Committee Rooms; and
2. b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Commission; and
3. c) no light, visible signal or audible sound shall be used on any video equipment to indicate that the equipment is operating.

### 5.07 VIOLATIONS:

Any violation of the order or decorum of the Commission subjects an offending party to removal from the Commission's sessions, committee meetings and public hearings and possible forfeiture of their right to attend future sessions, committee meetings and public hearings of this Honorable Body.

#### 5.8 AMENDMENT OF RULES:

These rules shall not be rescinded, altered, or amended, nor shall any additional rule be added, except by a majority vote of the total members of the Commission, and only after at least one day's notice in writing, filed with the Secretary of the Commission.

#### SECTION 6.00: EFFECTIVE DATE

##### 6.01 EFFECTIVE DATE:

These rules shall be effective immediately upon adoption by a majority vote of the total membership of the Commission.